

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Monday, November 25, 2019 @ 7:30PM

Chairman McLaughlin called the meeting to order at 7:40PM.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH	X	
(JP) John POWERS	X (7:54pm)	
(JC) Jin CHO	X	
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ		X
(TC) Todd CANNAO		X
(RB) Robert BUDINICH (alternate a)		X
(GZ) Gail ZACCARO (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney
 (CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

October 23, 2019 minutes

Approval of October 23, 2019 minutes	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS						X
Jin CHO			X			
Steve LOTT	X		X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)		X	X			

INVOICES FOR APPROVAL

Law Office of John L. Schettino	111 Kline Resolution (Janson) - Escrow	\$ 250.00
Law Office of John L. Schettino	33 Taylor Resolution(Fluet) - Escrow	\$ 250.00
Law Office of John L. Schettino	111 South Colonial Resolution (Fischer) - Escrow	\$ 250.00
Law Office of John L. Schettino	17 Park (CRAM NJ) - Escrow	\$ 250.00
Law Office of John L. Schettino	Meeting Attendance – October 23,2019	\$ 150.00
North Jersey Media Group	October 2019	\$ 315.70

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TOTAL \$1,465.70

Approval of invoices listed on the agenda	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH	X		X			
John POWERS						X
Jin CHO			X			
Steve LOTT		X	X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)			X			

HEARINGS

1. Extension of Approval – 47 Highland Avenue

Thomas Randall, of Randall & Randall, Westwood, NJ, is here on behalf of Mr. Pucciarelli. Last year, they sought and received approval for modifications to a home at 47 Highland Avenue. They ran into logistical difficulties along the way in getting this underway. Before the time expires they are seeking a 6 month extension of the approvals. RM noted that the applicant sent a letter describing his demanding work schedule and how it adversely affected his ability to go ahead. SL asked if any work has started at all. Mr. Randall said that no work has started. The Board had no questions. CL referred to the resolution that was approved on October 24, 2018. RM said that the extension will start today and would be extended to May 31, 2020.

Approval of extension of approval to May 31, 2020	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH	X		X			
John POWERS						X
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)		X	X			

Mr. Randall thanked the Board members.

2. Hearing/Resolution - 17 Park Street – addition to the existing house and existing garage

The minutes from October and proposed resolution lists the modifications including:

- elimination of the bedroom on the first floor and turned it into a dining room next to the kitchen
- changing the proposed office on the second floor to a bedroom
- removing the proposed exterior stairway to the second floor
- confirmation there is no intension of having a living quarters in the proposed office on the second floor of the garage. There would be a powder room with no kitchen and no shower.

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Those conditions are in the resolution prepared by JS and will include an as-built that Mr. Zavardino requested following the project if there is approval when the work is completed.

SL asked if anyone heard the concerns from RB. No one has heard the concerns. RM said that in the October meeting, the stipulations were made on the record. It seems the stipulations have been addressed. Because there is a use variance as part of the application, the statute requires 5 votes, a super majority.

The Board requires a certification that members who did not attend the meetings for this hearing, but listened to the recordings. It is on record, but JS will provide a written copy for the members to sign.

RM asked if members of the public had any questions concerning the application for Park Street. There were none. The public portion of the meeting was closed.

The meeting was open to the Board for questions. MR asked what kind of traffic is envisioned for the office. Mr. Stout said it would be just him and not public traffic. MR wanted clarification about the testimony that six cars can be parked in the driveway. Mr. Stout said that it is not expected. MR asked why the space was indicated as an office and not a room. JS said that it is not a home office and it would classify as an office space to the building dept.

RM noted that Mr. Stout is still under oath from prior appearances and was answering the questions.

Approval of application for 17 Park Street subject to all conditions and stipulations listed in the October 23, 2019 minutes and resolution	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS						X
Jin CHO			X			
Steve LOTT		X	X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)	X		X			

GZ, MR, JC said they listened to the recordings.

RM said once the resolution is in the final form, he will sign it. It will be published and any objector has 45 days from the date of publication can file for appeals. Mr. Stout will have 9 months from approval to begin construction.

3. 111 South Colonial Drive – in-ground pool

Jonathan Fischer, 111 South Colonial, resident and Douglas Radick, architect, continue to be under oath.

RM noted that last time there were questions about the easement east of the subject property and a new plan was submitted. Mr. Radick said based on the Board's recommendation that the pool was moved

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tangent to the edge of the easement, which cut the variance about 1.5ft and is not encroaching on the road easement. RM asked if there was enough room or separation if it was used by road purposes? Mr. Radick said that they could move the pool, but the road is a dead end and not likely to extend the road for 2 houses.

7:54PM – JP arrived.

SL asked what was at the end of the dead end. Mr. Fischer said there are power lines and there is a bridge that connects to First Street that has not been used since the 1960s. RM said there is a road adjacent to South Colonial with utilities. Mr. Radick said the road will not likely be extended. Mr. Radick said the survey shows that it is an easement for street purposes as per tax map. The easement is 40ft, 20ft onto Mr. Fischer's property and 20ft onto the street. South Colonial Street is listed as 50ft wide. It would be another 14ft beyond the width of what the road already is. There was discussion.

RM reviewed that the applicant has shifted the location of the pool away from the paved road by approximately 18 inches.

SL asked what is in the easement. JS said that nothing is there, but it would be for a future road or anything associated with a road. The Master Plan does not address roads. There was discussion on how the roads are planned. The paved road ends within a short distance east of the property. It is a dead end and not likely to continue toward First Street. That development was put in 1970s.

There were no questions or comments from the public. The public question portion was closed.

The Board members had no additional questions.

Approval of application for 111 South Colonial Dr. – in-ground pool	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)		X	X			

RM explained that the written resolution would be voted on next meeting. Public notice will publish the decision. There will be 45 days for anyone who objects to the Boards decision to appeal. The applicant will have 9 months to start construction.

4. 44 Rugen Drive – 6ft fence

Patrick Bland, 44 Rugen Drive, Harrington Park, was sworn in. He has been a resident since 2004. He presently has three different heights of fences (6ft- wood, 5ft - wood and 4ft - cyclone) on his property. He would like to replace the existing fence with a uniform 6ft fence throughout the property. The fence would benefit some of the neighbors. Mr. Bland provided a sample and brochure of the fence that would

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be the same on both sides and is a heavy constructed fence. He plans to choose a color named Sierra Blend. The neighbor on Rugen Drive would benefit because it would be along his backyard. The neighbor to the south would benefit. The neighbor at 42 Maryanne would benefit as well because the fence would cover woodpile. The deck from the kitchen extends out. The property is a corner lot. There was shrubbery along the cyclone fence, but during Hurricane Sandy, the shrubbery fell onto Maryanne Lane and they lost their privacy there. The fence is 15ft back from the street. The fence would not interfere with putting sidewalks on Maryanne Lane.

JS clarified that the fence would be put on the sides and rear of the property. Mr. Bland agreed. Mr. Bland said that it would not go beyond the house. The east side of the house it would come down and go to the backyard. The Board reviewed the plans.

JS reviewed that it would go from the front left corner of the house to the side yard; down to the rear yard; across the rear yard; return to the right rear yard of the house. Discussion continued. Mr. Bland said that it is replacing the existing the fence, but the difference installing more fence to the front of the house.

SL said the distances for the fence and the house away from the curb are not shown. Clarification was needed for the drawings that were provided. Mr. Bland said that the distance from the garage to the street is about 40ft. He can park 2 rows of 4 cars. The fence will start 15ft from the street where the existing fence is. RM clarified that the fence would start at the front of the fence and come out as far as the existing fence and meet up with the existing fence. Mr. Bland agreed with RM's description.

MR said that the 6ft fence is not legal. Mr. Bland said that it was there prior to purchasing the house. The section that is 6ft is not seen and is located by the shed. MR noted that people like the openness of Harrington Park and there is a town ordinance for fences so that the eyes are not hit by a series of fences. There is a deer situation and people want higher fences. Fences are good for privacy within the home, but takes away from the aesthetics of the neighborhood. It sets a tone for others who want the same.

Mr. Bland said the 3 neighbors would benefit from the fence. A 5ft fence costs \$3,000 less than a 6ft fence. The fence will cost about \$27,000. MR concern is not the quality of the fence.

Mr. Bland noted at the property is sloped east to west so that the fence may not seem that high. SL said that a wooden fence, you can have the wood move evenly. With a vinyl fence it would be steps and not look as even as a wooden fence.

Mr. Bland said that he lived in Dumont for 40 years. He said that it took 4 houses to get here and is very happy.

MR said he has no problem with a living fence.

Mr. Bland said that the fencing company can produce a 4ft fence because it is custom. The fence is decaying and falling apart. An extra foot would make a difference for him when he is sitting on the deck and would cover the woodpile.

JP asked if it was possible to have different heights in difference places. MR said that it is a corner lot and has two front yards. When Mr. Bland first moved to Harrington Park, he had to move the woodpile

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to the other side of the fence because it was on the easement. Mr. Bland thinks the woodpile is an eyesore and he keeps it covered on the other side of the fence.

RM noted that there were no members of the public at the meeting. He asked Mr. Bland to mark out the area where the proposed development with spray or use something that would not be a hazard to people.

For the record, Mr. Bland stated that he is willing to alleviate the new section and replace only the existing fence.

RM asked Mr. Bland to take the drawing that was included with the application and put in the street names and distances from the paved street to the front of the house, how far away from driveway the fence will be. The Board requires real measurements. If the vote is positive, the construction official must come out to make sure it was done the way that it was approved.

There was discussion about the date of the next meeting. Mr. Bland was told that the next meeting will be on December 18, 2019 at 8pm.

NEW BUSINESS

Change the meeting on December 18, 2019 from 7pm to 8pm.

Motion: SL Second: GZ

In favor, all said "aye".

RESOLUTIONS

1. 33 Taylor Place – impervious coverage

Approval of the written resolution for 33 Taylor Place – impervious coverage	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH		X	X			
John POWERS			X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)						X
Gail ZACCARO (alternate b)	X		X			

MEETING OPEN/CLOSED TO THE PUBLIC

There were no members of the public at the meeting.

DISCUSSION

Separate certifications are needed for each application, one for Taylor and one for Park. At the next meeting CL will have the form.

ADJOURN

Motion: GZ Second: SL

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In favor, all said "Aye".
Meeting adjourned at 8:36pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
**** Wednesday, December 18, 2019 at 8pm**